

HOUSE BILL NO. 31  
INTRODUCED BY D. KOTTEL  
BY REQUEST OF THE DEPARTMENT OF JUSTICE

Proposed Amendments As Follows:

1. Page 1, Line 8

Following "~~FEES;~~" insert "INCREASING CONSUMER AND MANUFACTURER ARBITRATION FILING FEES;"

2. Page 1, Line 8

Following "~~SECTIONS~~" insert "SECTIONS" and strike "SECTION"

and

Following "~~AND 61-4-517~~" insert "AND 61-4-517"

3. Page 2, Line 2

Following "~~Section 2. Section 61-4-517, MCA, is amended to read:~~" insert "Section 2. Section 61-4-517, MCA, is amended to read:"

4. Page 2, following line 29 insert:

**"61-4-517. Implementation of arbitration.** (1) A consumer may initiate a request for arbitration by filing a notice with the department. The consumer shall file, on a form prescribed by the department, any information considered relevant to the resolution of the dispute and shall return the form, along with a \$50 \$100 filing fee, within 5 days after receiving the form. The form must offer the consumer the choice of presenting any subsequent testimony orally or in writing, but not both.

(2) The department shall determine whether the complaint alleges the violation of any applicable warranty under this part. If the department determines that a complaint does not allege a warranty violation, it shall refund the filing fee.

(3) Upon acceptance of a complaint, the department shall notify the manufacturer of the filing of a request for arbitration and shall obtain from the manufacturer, on a form prescribed by the department, any information considered relevant to the resolution of the dispute. The manufacturer shall return the form within 15 days of receipt, with a filing fee of ~~\$250~~ \$750.

(4) Fees collected under this section must be deposited in a special revenue account for the use of the department in administering this part.

(5) The manufacturer's fee provided in subsection (3) is due only if the department's arbitration procedures are used."